

## Session 117 - (2007-2008)

### H 4388 General Bill, By Viers, Kirsh, Littlejohn and Cotty

#### *Similar (S 0869)*

#### **Summary:** Taxpayer and Citizen Protection Act

A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA TAXPAYER AND CITIZEN PROTECTION ACT", ADDRESSING THE FINDINGS OF THE GENERAL ASSEMBLY IN CONNECTION WITH THE EFFECT OF ILLEGAL IMMIGRATION ON THE CITIZENS OF THIS STATE; BY ADDING SECTION 12-8-610 SO AS TO REQUIRE A WITHHOLDING AGENT TO WITHHOLD STATE INCOME TAX AT THE RATE OF SIX PERCENT WITH RESPECT TO AN INDIVIDUAL WHO FAILS TO PROVIDE A VALID SOCIAL SECURITY NUMBER, AND TO ESTABLISH A PENALTY; BY ADDING SECTION 16-9-460 SO AS TO MAKE IT A FELONY TO KNOWINGLY, OR IN RECKLESS DISREGARD OF THE TRUTH, TO TRANSPORT, MOVE, CONCEAL, HARBOR, OR SHELTER A PERSON IN FURTHERANCE OF THAT PERSON'S ILLEGAL PRESENCE IN THE UNITED STATES AND TO PROVIDE FOR IMPRISONMENT AND FINES; BY ADDING SECTION 23-3-90 SO AS TO PROVIDE FOR THE ESTABLISHMENT OF A FRAUDULENT DOCUMENTS IDENTIFICATION UNIT WITHIN SLED TO INVESTIGATE AND APPREHEND PERSONS WHO PREPARE AND SELL FRAUDULENT IDENTIFICATION DOCUMENTS TO INDIVIDUALS WHO ARE NOT LAWFULLY PRESENT IN THIS STATE; BY ADDING SECTION 23-52-10 SO AS TO REQUIRE THE APPROPRIATE OFFICIAL TO ASCERTAIN AND REPORT THE UNLAWFUL IMMIGRATION STATUS OF ANY PERSON CONFINED IN A JAIL BY REASON OF A FELONY OR DUI CHARGE; BY ADDING ARTICLE 11 TO CHAPTER 5 OF TITLE 43 SO AS TO REQUIRE THE STATE AND LOCAL GOVERNMENTS TO VERIFY THE LAWFUL PRESENCE IN THE UNITED STATES OF A PERSON FOURTEEN YEARS OR OLDER WHO HAS APPLIED FOR STATE OR LOCAL PUBLIC BENEFITS OR FOR FEDERAL BENEFITS ADMINISTERED BY THIS STATE, TO PROVIDE EXEMPTED BENEFITS, TO PROVIDE FOR AN AFFIDAVIT OF ELIGIBILITY AND FOR CRIMINAL PENALTIES FOR A FRAUDULENT MISREPRESENTATION IN THE AFFIDAVIT, AND TO PROVIDE FOR ANNUAL REPORTS FROM THESE AGENCIES; BY ADDING SECTION 56-1-3355 SO AS TO PROVIDE THAT AN IDENTIFICATION CARD MAY BE ISSUED BY THE DEPARTMENT OF MOTOR VEHICLES ONLY TO PERSONS LEGALLY AND PERMANENTLY IN THE UNITED STATES, TO PROVIDE EXCEPTIONS AND A PROCESS FOR ISSUING CARDS TO THOSE DOCUMENTED EXCEPTIONS, AND TO PROVIDE THAT THIS SECTION APPLIES TO RENEWAL, DUPLICATION, OR REISSUANCE OF A DRIVER'S LICENSE IF THE DEPARTMENT HAS NOTICE OF UNLAWFUL PRESENCE; BY ADDING SECTION 59-101-430 SO AS TO DENY POSTSECONDARY EDUCATION BENEFITS ON THE BASIS OF RESIDENCE TO A PERSON UNLAWFULLY WITHIN THE UNITED STATES; AND TO AMEND SECTION 56-1-40, RELATING TO A PERSON WHO MAY NOT BE ISSUED A SOUTH CAROLINA DRIVER'S LICENSE, SO AS TO CONFORM THE PROVISIONS CONCERNING NONRESIDENTS TO THE PROVISIONS GOVERNING THE ISSUANCE OF AN IDENTIFICATION CARD.

**12/12/07 House Prefiled**

**12/12/07 House Referred to Committee on Judiciary**

**01/08/08 House Introduced and read first time HJ-55**

**01/08/08 House Referred to Committee on Judiciary HJ-56**